

1 BILL NO. Z-84-07-10 (AS AMENDED)

2 ZONING MAP ORDINANCE NO. Z-

3 AN ORDINANCE amending the City of
4 Fort Wayne Zoning Map No. Q-34.

5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
6 INDIANA:

7 SECTION 1. That the area described as follows is hereby
8 designated an R-3 (Multiple Family Residential) District under the terms
9 of Chapter 33 of the Code of the City of Fort Wayne, Indiana:

10 Part of the Fractional Section 19, Township 31 North, Range
11 13 East, lying South and East of right-of-way of the former
12 Fort Wayne & Wabash Valley Traction Company, in particular
described as follows, to-wit:

13 To arrive at the place of beginning, commence at the
14 Northwest corner of said Fractional Section; thence run
15 East on the North line thereof, a distance of 2496.14 feet
16 to its intersection by the South and East line of the
17 right-of-way aforesaid; thence Southwestward by a deflection
18 right of 135 degrees 24 minutes, a distance of 71.2 feet
19 along said right-of-way line to a point situated 50 feet
20 normally distant South of the North line of said Section,
21 being also the South right-of-way line of the St. Joseph
22 Center Road as widened by Indiana Project S728(1) 1961 and
23 to the place of beginning initially mentioned; thence East
24 and parallel to the aforesaid line, a distance of 400+ feet;
25 thence Southwesterly a distance of 185+ feet; thence West
a distance of 165+ feet; thence Southwestward a distance of
200+ feet; thence continuing Southwestward a distance of
200+ feet; thence Northwesterly a distance of 135+ feet to
the said Fort Wayne and Wabash Valley Traction Company right-
of-way situated; thence Northeastward along the said right-of-
way line by a deflection right of 121 degrees 17 minutes, a
distance of 118.3 feet, to a point of curve; thence continuing
along said right-of-way line Northeastward, by a 12 degree
04 minute curve to the left, a distance of 160.5 feet, to a
point of tangency; thence continuing along said right-of-way
line 146.6 feet to the place of beginning, containing 2.5 acres,
more or less.

26 and the symbols of the City of Fort Wayne Zoning Map No. Q-34, as established
27 by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana
28 are hereby changed accordingly.

1 Page two

2
3 SECTION 2. That this Ordinance shall be in full force and
4 effect from and after its passage and approval by the Mayor.
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6 _____
7 COUNCILMEMBER

8 APPROVED AS TO FORM AND LEGALITY:
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11 _____
12 BRUCE O. BOXBERGER, CITY ATTORNEY
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BILL NO. Z-84-07-10

ZONING MAP ORDINANCE NO. Z-

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. Q-34.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
INDIANA:

SECTION 1. That the area described as follows is hereby
designated an R-3 (Multiple Family Residential) District under the terms
of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

Part of Fractional Section 19, Township 31 North, Range 13 East, lying
South and East of right-of-way of the former Fort Wayne & Wabash Valley
Traction Company, in particular described as follows to-wit:

To arrive at the place of beginning, commence at the Northwest corner of
said Fractional Section; thence run East on the North line thereof, a distance
of 2496.14 feet to its intersection by the South and East line of the right-
of-way aforesaid; thence Southwestward by a deflection right of 135 degrees
24 minutes, a distance of 71.2 feet along said right-of-way line to a point
situated 50 feet normally distant South of the North line of said Section,
being also the South right-of-way line of the St. Joseph Center Road as
widened by Indiana Project S728(1) 1961 and to the place of beginning
initially mentioned; thence East and parallel to the aforesaid line, a dis-
tance of 166.4 feet; thence South by a deflection right of 90 degrees, a
distance of 50 feet; thence East by a deflection left of 90 degrees, a
distance of 142.4 feet; thence Southwestward by a deflection right of 126
degrees 04 minutes, a distance of 177.0 feet; thence continuing Southwestward
by a deflection right of 9 degrees 35 minutes, a distance of 183.1 feet
to the Northeasterly border of a triangular-shaped tract of land or building
site; thence Northwesterly on the line aforesaid by a deflection right
of 95 degrees 56 minutes, a distance of 25.1 feet to the North corner of
said building site; thence Southwesterly by a deflection left of 107 degrees
08 minutes, a distance of 174.0 feet to a pipe found defining the West corner
of said building site and furthermore a point of reference designated "A",
as situated 50 feet, more or less, distant from the low water mark of the
St. Joseph River; thence Northwestward by a deflection right of 88 degrees
50 minutes, a distance of 363.0 feet to a point of reference designated "B",
as on the said Fort Wayne and Wabash Valley Traction Company right-of-way
situated; thence Northeastward along the said right-of-way line by a deflection
right of 121 degrees 17 minutes, a distance of 118.3 feet, to a point of
curve; thence continuing along said right-of-way line Northeastward, by a
12 degree 04 minutes curve to the left, a distance of 160.5 feet to a point
of tangency; thence continuing along said right-of-way line 146.6 feet to
the place of beginning;

TOGETHER with the area of land lying Westward and Southward of the Course
designated "A" - "B", of the Tract described, extending to the low water
mark of said river; TOGETHER with a parcel of land lying Southeasterly of
the following described portion of the right-of-way of said former Fort
Wayne Wabash Valley Traction Company, extending to the said low water mark
to-wit:

Commencing at the West corner of the aforescribed Tract, at the point of
reference designated "B", referred to as on said right-of-way line situated;
thence Southwestward on the said right-of-way line by a deflection to the
left of the course precedent, "A" - "B", of 58 degrees 43 minutes, a distance
of 218.4 feet to a point of curve; thence continuing Southwestward on a 7
degree 24 minute curve left, of which the subtending chord bears left,

1 4 degrees 53 minutes, a distance of 132.2 feet to a corner marker post; thence
2 Southeastward by a deflection left of the aforesaid subtending chord, of
3 68 degrees 04 minutes, a distance of 35 feet, more or less, to the low
water mark of said St. Joseph River, containing altogether 4.07 acres, more
or less, of land.

4 NOTES: The aforesaid 4.07 Acres, more or less, is comprised of the 3.80
5 acres, more or less, designated TRACT"A" in Deed Record 658, pages 333-35,
6 Together with a 50 foot by 50 foot area and a part of TRACT"B" in Deed
7 Record 706, pages 107-08, Together with a landfill area of 0.25 acres, more
or less, and Except 0.04 acres conveyed to Kolbe as part of 0.698 acres by
Deed Record 711, pages 231-33.

8 All the corners of the aforesaid 4.07 acres, more or less, were physically
9 marked on Surveys by the undersigned dated 29 July 1958, and 26 July 1968.

10 Part of Fractional Section 19, Township 31 North, Range 13 East, lying South
11 and East of right-of-way of the former Wabash & Erie Feeder Canal and the
12 former Fort Wayne & Wabash Valley Traction Company, in particular described
as follows to-wit:

13 To arrive at the place of beginning, commence at the Northwest corner of
14 said Fractional Section; thence run East on the North line thereof, a
15 distance of 2496.14 feet to its intersection by the South and East line of
16 the right-of-way aforesaid; thence Southwestward by a deflection right of
17 135 degrees 24 minutes, a distance of 71.2 feet along said right-of-way to
18 a point situated 50 feet normally distant south of the north line of said
19 Section, being also the South right-of-way line of the St. Joseph Center
20 Road as widened by Indiana Project S728(1) 1961; thence East and parallel
21 to the aforesaid line, a distance of 241.4 feet to the place of beginning
22 initially mentioned; thence South by a deflection right of 90 degrees,
23 a distance of 25 feet; thence East by a deflection left of 90 degrees, a
24 distance of 98.4 feet; thence South by a deflection right of 90 degrees, a
distance of 25.0 feet; thence Southwestward by a deflection right of
36 degrees 04 minutes, a distance of 193.8 feet; thence continuing
Southwestward by a deflection right of 9 degrees 35 minutes, a distance
of 187.8 feet; thence Southeastward by a deflection left of 84 degrees
04 minutes, a distance of 129.1 feet; thence Northeastward by a deflection
left of 85 degrees 14 minutes, a distance of 230 feet; thence continuing
Northeastward by a deflection left of 37 degrees 30 minutes, a distance of
332.0 feet to a point 50 feet South of the North line of said Fractional
Section, and the South right-of-way line of said St. Joseph Center Road;
thence Westward on the line aforesaid by a deflection left of 108 degrees
51 minutes, a distance of 229.0 feet to the point of beginning; containing
1.638 acres;

25 Together with the land lying Southward and Eastward of the described
26 Parcel extending to the low water mark of the St. Joe River as created
by the City of Fort Wayne Municipal Dam; containing 0.706 acres, more or
less, containing in all 2.344 acres, more or less.

27 PARCEL II-I

28 Part of 0.698 acres conveyed to Tony J. Kolbe and Sandra Jean Kolbe by
29 Harry Musser and Edith M. Musser by Warranty Deed recorded in Deed Record
711, pages 231-33, and described as follows:

30 Part of the Fractional Section 19, Township 31 North, Range 13 East, lying
31 South and East of right-of-way of the former Fort Wayne & Wabash Valley
32 Traction Company, in particular described as follows to-wit: To arrive
at the place of beginning - Commence at the Northwest corner of said
Fractional Section; thence run East on the North line thereof, a distance
of 2496.14 feet to its intersection by the South and East line of the right-

1 -of-way aforesaid; thence Southwestward by a deflection right of 135 degrees
2 24 minutes, a distance of 71.2 feet along said right-of-way line to a
3 point situated 50 feet normally distant South of the North line of said
4 Section, being also the South right-of-way line of the St. Joseph Center Road
5 as widened by Indiana Project S728(1) 1961; thence East and parallel to the
6 aforesaid line, a distance of 166.4 feet to the place of beginning initially
7 mentioned; thence South by a deflection right of 90 degrees, a distance
8 of 50 feet; thence East by a deflection left of 90 degrees, a distance of
9 142.4 feet; thence Southwestward by a deflection right of 126 degrees 04
10 minutes, a distance of 177.0 feet; thence continuing Southwestward by a
11 deflection right of 9 degrees 35 minutes, a distance of 183.1 feet to the
12 Northeasterly border of a triangular-shaped tract of land or Building Site;
13 thence Southeasterly on the line aforesaid by a deflection left of 84 degrees
14 04 minutes, a distance of 25.1 feet; thence Northeasterly by a deflection
left of 95 degrees 56 minutes on a line 25 feet normally distant South-
eastward from a previous course, a distance of 187.8 feet; thence continuing
Northeasterly on a line 25 feet normally distant Southeastward from a
previous course by a deflection left of 9 degrees 35 minutes, a distance
of 193.8 feet; thence Northward by a deflection left of 36 degrees 04 minutes
on a line normal to the said Fractional Section North line, a distance of
25 feet; thence Westward on a line parallel to and 75 feet South of the
said Fractional Section North line, a distance of 98.4 feet; thence
Northward on a line normal to the said Fractional Section North line,
a distance of 25.0 feet to a point 50 feet South of the said Fractional
Section North line, being also the South right-of-way line of said
St. Joseph Center Road; thence West on the line aforesaid, a distance of
75.0 feet to the place of beginning; CONTAINING 0.355 acres of land.

15 NOTES:

16 The aforesaid Parcel (II-1) is conveyed subject to the retention of easement
17 rights upon and over said Parcel for ingress and egress to the balance of the
18 said 0.698 acres, referred to as the triangular-shaped tract of land, or
Building Site, containing 0.343 acres, more or less.

19 Grantors furthermore agree to relinquish the aforesaid easement in exchange
20 for a new 25 foot easement to identical terminal points as future land use
dictates advisable.

21 PARCEL II-2

22 A tract of land situated between the triangular Building Site portion of
23 0.698 acres conveyed to Tony J. Kolbe and Sandra Jean Kolbe by Harry Musser
and Edith M. Musser by Warranty Deed recorded in Deed Record 711, pages
231-33 and the low water mark of the St. Joseph River described as follows:

24 Part of the Fractional Section 19, Township 31 North, Range 13 East, lying
25 South and East of right-of-way of the former Fort Wayne & Wabash Valley
Traction Company, in particular described as follows to-wit:

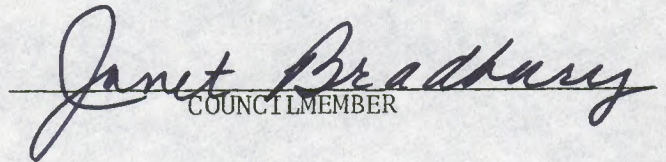
26 Commencing at the West corner of the triangular shaped Building Site as in
27 the aforesaid deed described; thence Easterly on the South line of said
28 Building Site, a distance of 210.0 feet to the East corner of said Building
29 Site; thence Southeasterly by a deflection right of 52 degrees 14 minutes,
30 a distance of 50 feet, more or less, to the said low water mark; thence
31 Westerly and following the low water mark of the St. Joseph River, a
32 distance of 270 feet, more or less, to its intersection by the projection
Southwesterly of the Northwesterly border of the said Building Site; thence
Northeasterly on the line aforesaid, a distance of 55 feet, more or less to
the point of beginning, containing 0.3 acres, more or less.

NOTE: The triangular Building Site, exclusive of the ingress and egress
portion, Parcel (II-I) contains 3.343 acres.

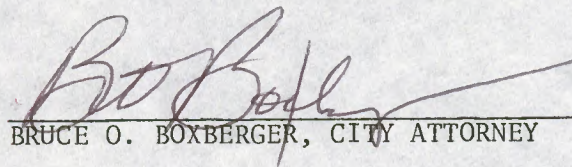
and the symbols of the City of Fort Wayne Zoning Map No. Q-34, as established

1 by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana
2 are hereby changed accordingly.

3 SECTION 2. That this Ordinance shall be in full force and
4 effect from and after its passage and approval by the Mayor.

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6 
7 COUNCILMEMBER

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9 APPROVED AS TO FORM AND LEGALITY:

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11 BRUCE O. BOXBERGER, CITY ATTORNEY

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13 FOX RIVER BOND
14 25% COTTON
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Read the first time in full and on motion by Bradbury, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee of regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ .M., E.S.

DATE: 7-10-84

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Talarico, and duly adopted, placed on its passage. PASSED (~~LOST~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____	_____
<u>BRADBURY</u>	<u>✓</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GiaQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HENRY</u>	<u>✓</u>	_____	_____	_____	_____
<u>REDD</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 8-14-84

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~ANNEXATION~~) (~~APPROPRIATION~~) (~~GENERAL~~)

(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. 3-18-84
on the 14th day of August, 1984,

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Ray A. Ebert
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of August, 1984, at the hour of 11:30 o'clock P. .M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 15th day of August, 1984, at the hour of 3:00 o'clock P. .M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

I/~~WE~~ EDITH MUSSER

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an RA District to a/an R-3 District the property described as follows:

N 6.343 acres between former
tract line and River and S. of
St Joe Center Rd except .643 Tract Sec 19

(Legal Description) If additional space is needed, use reverse side.

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

EDITH MUSSER 2526 St. Joe Center. Edith Musser

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____ (OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

Karen Spake
(Name)

7726 Tendall St
46825

(Address & Zip Code)

(Telephone Number)

Lester Hartman

535 Green 46774

7491624

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street Fort Wayne, IN 46802 (PHONE: 219/423-7571)

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

OFFICE OF **HOFER AND DAVIS, INC.**CIVIL ENGINEERS & LAND SURVEYORS
FORT WAYNE, INDIANAA. K. HOFER P.E. No. 72
(1968) L.S. No. 10504CARL A. HOFER P.E. No. 7122
L.S. No. 10031WILLIAM S. DAVIS L.S. No. S-0053
L.S. No. 18114 Michigan

This document is the record of a resurvey of land and real estate situated in the City of Fort Wayne, Allen County, Indiana, made in accordance with the plat and deed record thereof on file in the Office of Recorder of said County and State. The land below described exists in full dimension as herein noted in feet, and is free from encroachments by adjoining landowners, and furthermore, contains entirely within its boundaries the structures of the buildings on it situated; all as below indicated in detail. Any exceptions or discrepancies are below noted.

DESCRIPTION OF PROPERTY ~~XXXX~~ Part of Fractional Section 19, Township 31 North, Range 13 East, lying South and East of right-of-way of the former Fort Wayne & Wabash Valley Traction Company, in particular described as follows to-wit:

To arrive at the place of beginning, commence at the Northwest corner of said Fractional Section; thence run East on the North line thereof, a distance of 2496.14 feet to its intersection by the South & East line of the right-of-way aforesaid; thence Southwestward by a deflection right of 135 degrees 24 minutes, a distance of 71.2 feet along said right-of-way line to a point situated 50 feet normally distant South of the North line of said Section, being also the South right-of-way line of the St. Joseph Center Road as widened by Indiana Project S728(1) 1961 and to the place of beginning initially mentioned; thence East and parallel to the aforesaid line, a distance of 166.4 feet; thence South by a deflection right of 90 degrees, a distance of 50 feet; thence East by a deflection left of 90 degrees, a distance of 142.4 feet; thence Southwestward by a deflection right of 126 degrees 04 minutes, a distance of 177.0 feet; thence continuing Southwestward by a deflection right of 9 degrees 35 minutes, a distance of 183.1 feet to the Northeasterly border of a triangular-shaped tract of land or building site; thence Northwesterly on the line aforesaid by a deflection right of 95 degrees 56 minutes, a distance of 25.1 feet to the North corner of said building site; thence Southwesterly by a deflection left of 107 degrees 08 minutes, a distance of 174.0 feet to a pipe found defining the West corner of said building site and furthermore a point of reference designated "A", as situated 50 feet, more or less, distant from the low water mark of the St. Joseph River; thence Northwestward by a deflection right of 88 degrees 50 minutes, a distance of 363.0 feet to a point of reference designated "B", as on the said Fort Wayne and Wabash Valley Traction Company right-of-way situated; thence Northeastward along the said right-of-way line by a deflection right of 121 degrees 17 minutes, a distance of 118.3 feet, to a point of curve; thence continuing along said right-of-way line Northeastward, by a 12 degree 04 minute curve to the left, a distance of 160.5 feet

Carl A. Hofer

to a point of tangency; thence continuing along said right-of-way line 146.6 feet to the place of beginning;

TOGETHER with the area of land lying Westward and Southward of the Course designated "A"- "B", of the Tract described, extending to the low water mark of said river; TOGETHER with a parcel of land lying Southeasterly of the following described portion of the right-of-way of said former Fort Wayne Wabash Valley Traction Company, extending to the said low water mark to-wit:

Commencing at the West corner of the aforescribed Tract, at the point of reference designated "B", referred to as on said right-of-way line situated; thence Southwestward on the said right-of-way line by a deflection to the left of the course precedent, "A"- "B", of 58 degrees 43 minutes, a distance of 218.4 feet to a point of curve; thence continuing Southwestward on a 7 degree 24 minute curve left, of which the subtending chord bears left, 4 degrees 53 minutes, a distance of 132.2 feet to a corner marker post; thence Southeastward by a deflection left of the aforesaid subtending chord, of 68 degrees 04 minutes, a distance of 35 feet, more or less, to the low water mark of said St. Joseph River, containing altogether 4.07 Acres, more or less, of land.

NOTES:

(1) The aforesaid 4.07 Acres, more or less, is comprised of the 3.80 Acres, more or less, designated TRACT "A" in Deed Record 658, pages 333-35, Together with a 50 foot by 50 foot area and a part of TRACT "B" in Deed Record 706, pages 107-08, Together with a land-fill area of 0.25 Acres, more or less, and Except 0.04 Acres conveyed to Kolbe as part of 0.698 Acres by Deed Record 711, pages 231-233.

(2) All the corners of the aforesaid 4.07 Acres, more or less, were physically marked on Surveys by the undersigned dated 29 July 1958, and 26 July 1968.

(3) FLOOD PLAIN CERTIFICATE

The Department of Natural Resources Engineers Report DOCKET NO. G-4055 as found in Document No. 78-08759 states: "The 1913 Flood of record reached about elevation 763.0 feet at the site and, based on this fact, recommended minimum landgrade, for any construction on the fill should be at or above elevation 766.0 feet. An existing levee with the top at elevation 764.0 feet lies along the west property line of the project."

(4) An amended Extract from the Department of Natural Resources Map 9 of 11 dated 1974 is attached.

IN WITNESS WHEREOF, I place my hand and seal, this 8th day of May 1978.

Carl A. Hoyer

PA. FRO. (KAREN)
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STATE OF INDIANA)
COUNTY OF ALLEN) SS:

80-010428

AFFIDAVIT IN SUPPORT OF TITLE TO REAL ESTATE

EDITH M. MUSSER, being first duly sworn upon oath, deposes and says:
I. Affiant makes this Affidavit in support of the title to the following described real estate situated in DeKalb County, State of Indiana, to-wit:

Part of Fractional Section 19, Township 31 North, Range 13 East, lying South and East of right-of-way of the former Wabash & Erie Feeder Canal and the former Fort Wayne & Wabash Valley Traction Company, in particular described as follows to-wit:

To arrive at the place of beginning, commence at the Northwest corner of said Fractional Section; thence run East on the North line thereof, a distance of 2496.14 feet to its intersection by the South and East line of the right-of-way aforesaid; thence Southwestward by a deflection right of 135 degrees 24 minutes, a distance of 71.2 feet along said right-of-way to a point situated 50 feet normally distant south of the North line of said Section, being also the South right-of-way line of the St. Joseph Center Road as widened by Indiana Project S728(1) 1961; thence East and parallel to the aforesaid line, a distance of 241.4 feet to the place of beginning initially mentioned; thence South by a deflection right of 90 degrees, a distance of 25 feet; thence East by a deflection left of 90 degrees, a distance of 98.4 feet; thence South by a deflection right of 90 degrees, a distance of 25.0 feet; thence Southwestward by a deflection right of 36 degrees 04 minutes, a distance of 193.8 feet; thence continuing Southwestward by a deflection right of 9 degrees 35 minutes, a distance of 187.8 feet; thence Southeastward by a deflection left of 84 degrees 04 minutes, a distance of 129.1 feet; thence Northward by a deflection left of 85 degrees 14 minutes, a distance of 230 feet; thence continuing Northward by a deflection left of 37 degrees 30 minutes, a distance of 332.0 feet to a point 50 feet South of the North line of said Fractional Section, and the South right-of-way line of said St. Joseph Center Road; thence Westward on the line aforesaid by a deflection left of 108 degrees 51 minutes, a distance of 229.0 feet to the point of beginning; containing 1.638 acres;

Together with the land lying Southward and Eastward of the described Parcel extending to the low water mark of the St. Joseph River as created by the City of Fort Wayne Municipal Dam; containing 0.706 acres, more or less; Containing in all 2.344 acres, more or less.

DULY ENTERED FOR TAXATION

MAY 14 1980

Alvin J. Hagler
AUDITOR OF ALLEN COUNTY

INSTRUMENT N

1957

3.50
ct

2. Affiant certifies that she is the survivor of a tenancy by the entirety with HARRY MUSSER, who departed this life on the 10th day of July, 1978, and that their marital relationship was continuous and uninterrupted from the date they acquired the above described real estate until the date of his death.

3. Affiant makes this Affidavit to induce the Auditor of Allen County to transfer this real estate to the name of EDITH M. MUSSER, this Affiant, who is a survivor of a tenancy by the entirety by virtue of the death of HARRY MUSSER (one of the grantees in a certain Warranty Deed dated May 2, 1968, and recorded May 8, 1968, at Allen County Record 706, pages 107 and 108).

4. Further, Affiant saith not.

Edith M. Musser
EDITH M. MUSSER

Subscribed and sworn to before me this 30th day of August, 1979.



Judith R. Palmer
Notary Public
Resident of DEKALB County

My commission expires:

JUNE 16, 1981

This instrument was prepared by Donald T. Mefford, Huaselman, Mefford & Carpenter, Attorneys, 213 East Seventh Street, Auburn, Indiana, 46706.

PARCEL (11-1)

Part of 0.698 Acres conveyed to TONY J. KOLBE and SANDRA JEAN KOLBE by Harry Musser and Edith M. Musser by Warranty Deed recorded in Deed Record 711, pages 231-233, and described as follows:

Part of Fractional Section 19, Township 31 North, Range 13 East, lying South and East of right-of-way of the former Fort Wayne & Wabash Valley Traction Company, in particular described as follows to-wit: To arrive at the place of beginning -

Commence at the Northwest corner of said Fractional Section; thence run East on the North line thereof, a distance of 2496.14 feet to its intersection by the South & East line of the right-of-way aforesaid; thence Southwestward by a deflection right of 135 degrees 24 minutes, a distance of 71.2 feet along said right-of-way line to a point situated 50 feet normally distant South of the North line of said Section, being also the South right-of-way line of the St. Joseph Center Road as widened by Indiana Project S728(1) 1961; thence East and parallel to the aforesaid line, a distance of 166.4 feet to the place of beginning initially mentioned; thence South by a deflection right of 90 degrees, a distance of 50 feet; thence East by a deflection left of 90 degrees, a distance of 142.4 feet; thence Southwestward by a deflection right of 126 degrees 04 minutes, a distance of 177.0 feet; thence continuing Southwestward by a deflection right of 9 degrees 35 minutes, a distance of 183.1 feet to the Northeasterly border of a triangular-shaped tract of land or Building Site; thence Southeasterly on the line aforesaid by a deflection left of 84 degrees 04 minutes, a distance of 25.1 feet; thence Northeasterly by a deflection left of 95 degrees 56 minutes on a line 25 feet normally distant Southeastward from a previous course, a distance of 187.8 feet; thence continuing Northeasterly on a line 25 feet normally distant Southeastward from a previous course by a deflection left of 9 degrees 35 minutes, a distance of 193.8 feet; thence Northward by a deflection left of 36 degrees 04 minutes on a line normal to the said Fractional Section North line, a distance of 25 feet; thence Westward on a line parallel to and 75 feet South of the said Fractional Section North line, a distance of 98.4 feet; thence Northward on a line normal to the said Fractional Section North line, a distance of 25.0 feet to a point 50 feet South of the said Fractional Section North line, being also the South right-of-way line of said St. Joseph Center Road; thence West on the line aforesaid, a distance of 75.0 feet to the place of beginning; CONTAINING 0.355 acres of land.

NOTES:

The aforesaid Parcel (11-1) is conveyed subject to the retention of easement rights upon and over said Parcel for ingress and egress to the balance of the said 0.698 Acres, referred to as the triangular-shaped tract of land, or Building Site, containing 0.343 Acres, more or less.

Grantors furthermore agree to relinquish the aforesaid easement in exchange for a new 25 foot easement to identical terminal points, as future land use dictates advisable.

IN WITNESS WHEREOF, I place my hand and seal, this 6th day of October 1977.

Carl A. Hofer

PARCEL (11-2)

A tract of land situated between the triangular Building Site portion of 0.698 Acres conveyed to TONY J. KOLBE and SANDRA JEAN KOLBE by Harry Musser and Edith M. Musser by Warranty Deed recorded in Deed Record 711, pages 231-233 and the low water mark of the St. Joseph River described as follows:

Part of Fractional Section 19, Township 31 North, Range 13 East, lying South and East of right-of-way of the former Fort Wayne & Wabash Valley Traction Company, in particular described as follows to-wit:

Commencing at the West corner of the triangular shaped Building Site as in the aforesaid deed described; thence Easterly on the South line of said Building Site, a distance of 210.0 feet to the East corner of said Building Site; thence Southeasterly by a deflection right of 52 degrees 14 minutes, a distance of 50 feet, more or less, to the said low water mark; thence Westerly and following the low water mark of the St. Joseph River, a distance of 270 feet, more or less, to its intersection by the projection Southwesterly of the Northwesterly border of the said Building Site; thence Northeasterly on the line aforesaid, a distance of 55 feet, more or less to the point of beginning, containing 0.3 Acres, more or less.

NOTE: The triangular Building Site, exclusive of the ingress and egress portion, Parcel (11-1), contains 0.343 Acres.

IN WITNESS WHEREOF, I place my hand and seal, this 6th day of October 1977.

Carl A. Hofer

3- HARRY MUSSER
2526 ST JOE CENTER ROAD
FORT WAYNE IND.
46825

TEL 482-1714

REFERENCE: PARKER- FRAZER
SURVEY (5) DTD 26 JULY 1968
RECORDED IN PLAT BOOK 31
PAGE 21 ON 13 AUGUST 1968

BILL NO. Z-84-07-10 (as amended)

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN
ORDINANCE amending the City of Fort Wayne Zoning Map No. Q-34

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE Do PASS.

JANET G. BRADBURY, CHAIRWOMAN

SAMUEL J. TALARICO, VICE CHAIRMAN

CHARLES B. REDD

MARK E. GIAQUINTA

JAMES S. STIER

Janet G. Bradbury

Samuel J. Talarico

Charles B. Redd

Mark E. Giaquinta

James S. Stier

CONCURRED IN 8-14-84
SANDRA E. KENNEDY, CITY CLERK

RECEIPT

COMMUNITY DEVELOPMENT & PLANNING

No 10715

FT. WAYNE, IND., 6/13 1984

RECEIVED FROM St. Ignace Detachment Marine Corps \$ 50.00

THE SUM OF fifty 00/100 DOLLARS

ON ACCOUNT OF reopening St. Ignace Str. fund
fat B.

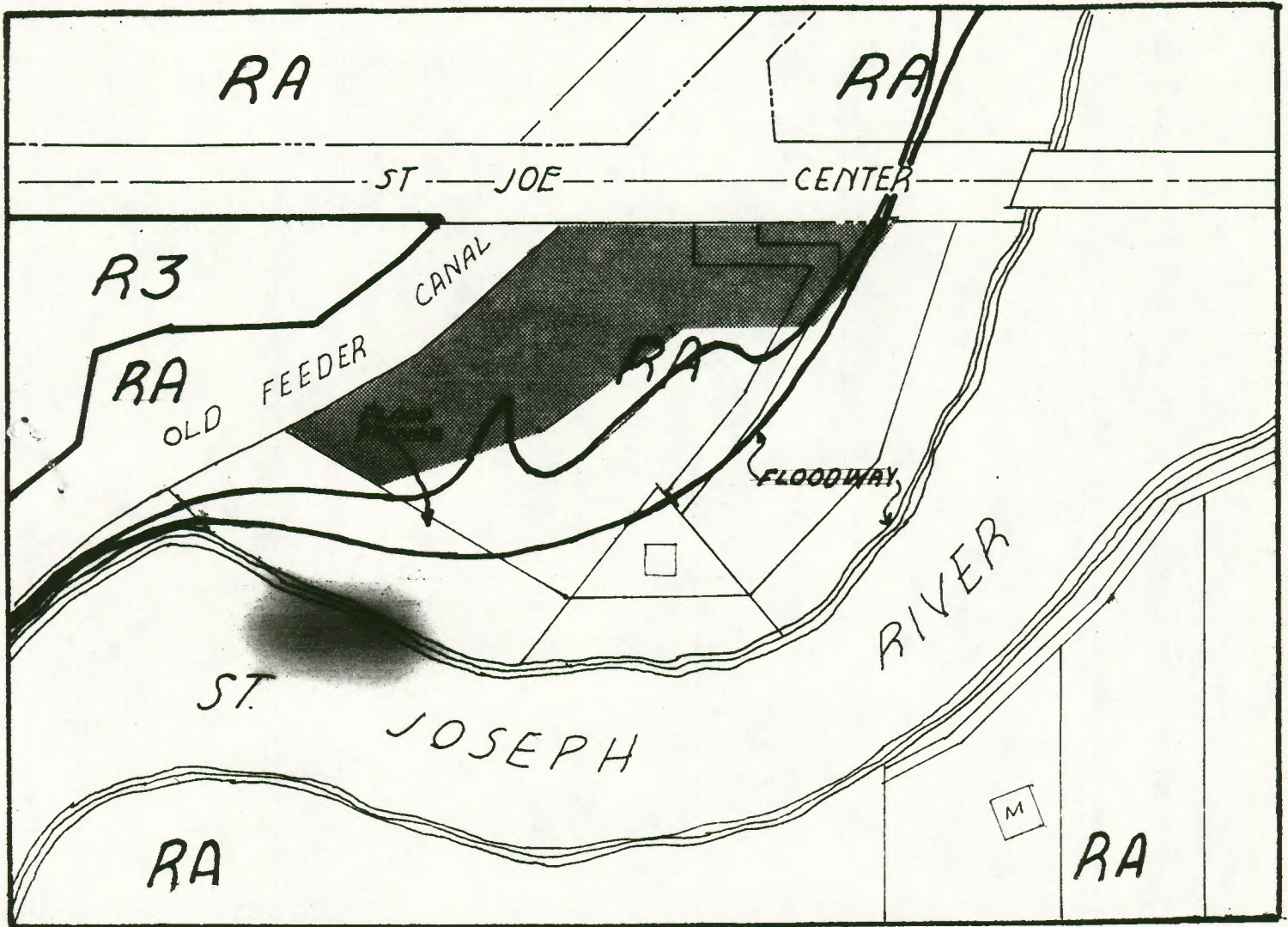
AUTHORIZED SIGNATURE

ZONING PETITION -80

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING DESCRIBED PROPERTY FROM AN RA DISTRICT TO AN R-3 DISTRICT.

MAP NO. Q-34

COUNCILMANIC DISTRICT NO. 2



ZONING

R-3 RESIDENTIAL DISTRICT

R-A RESIDENTIAL DISTRICT

LAND USE

□ SINGLE FAMILY

□ M MULTI-FAMILY

SCALE: 1"=200'

6-22-84

7-04-07-10

-13-



Division of Community Development & Planning

BILL NUMBER

BRIEF TITLE

Zoning Ordinance Amendment

APPROVAL DEADLINE

None

REASON

DETAILS

Specific Location and/or Address

East & South of the St. Joe River; West of the old Feeder Canal on the north side of St. Joe Center Road

Reason for Project

Marine Corps League wants to build a clubhouse.

Discussion (Including relationship to other Council actions)

Alan Blume, 2915 Charlotte Avenue, a member of the Marine Corps League represented the petition. Mr. Blume stated that the Marine Corps League, a not-for-profit organization, wanted to purchase this property to construct a clubhouse on it. He Stated that they have a membership of 124 plus 25 auxillary members and that the club would be similar to the Turner's or a VFW. He stated that even though some of the property was in the floodplain they had received a letter from the Department of Natural Resources stating that the building location they had chosen was not in the floodplain.

Duane Embury questioned why they were rezoning all of the property when they were going to build on a small portion of the land.

Mr. Blume stated they would leave the rest of the area in its natural state but would be using it for outdoor activities.

Duane Embury asked if they would consider restrictions on the placement of the building.

Mr. Blume stated that the building location was only tentative at the present and they

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/
Proponents

Applicant(s)

Edith Musser, Owner
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

Staff
Recommendation☐ For☒ Against

Reason Against

-not compatible with area
-if approved would be difficult to refuse similar requests

Board or
Commission
Recommendation☐ For☐ Against☐ No Action Taken

☒ For with revisions to conditions
(See Details column for condition

CITY COUNCIL
ACTIONS
(For Council
use only)☐ Pass☐ Other☐ Pass (as amended)☐ Hold☐ Council Sub.☐ Do not pass

DETAILS

would be willing to cooperate with the City & State in anyway to restrict the placement of the building as well as the R-3 uses.

July 23, 1984 Business Meeting

Site Committee for the Plan Commission gave the following recommendation:

Partial approval of area described by amended legal only to include area outside floodplain.

- a. 25 foot front yard setback
- b. 20 foot side yard
- c. All of the area described by the amended legal description, on which construction is to occur, will be certified by an engineer to be above the floodplain.

Motion to approve passed.

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

Date 13 June 1984

Projected Completion or Occupancy

Date 27 July 1984

Fact Sheet Prepared by
Pat Biancaniello

Date 27 July 1984

Reviewed by

Date

Reference or Case Number

ORIGINAL

Admn. Appr. _____

~~DIGEST SHEET~~ **ORIGINAL**

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

3-84-07-10

SYNOPSIS OF ORDINANCE A parcel of ground containing approximately 6.343 acres,

more or less, bounded by the St. Joseph River on the east & south; St. Joseph Center

Road on the north, and the Old Feeder Canal on the west.

#2

EFFECT OF PASSAGE Property is now zoned RA - Suburban Residential. Property will
become R-3 - Multi-family residential.

EFFECT OF NON-PASSAGE Property will remain RA - Suburban Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.)) _____